

BOARD OF MADISON COUNTY COMMISSIONERS
June 10, 2008 MINUTES

On Tuesday, June 10, 2008, a meeting of the Board of Madison County Commissioners came to order at 9:40 a.m. in the Commissioners' Conference Room of the Madison County Courthouse in Virginia City, Montana, with Commissioners Jim Hart and David Schulz present. Commissioner Marilyn Ross was absent to attend a Montana Department of Commerce Housing Conference in Great Falls, Montana.

Jim Hart moved to approve the May 16, 2008, budget hearing minutes as read. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart moved to approve the May 19, 2008, budget hearing minutes as read. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart moved to approve the May 23, 2008, budget hearing minutes as corrected. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart moved to approve the May 29, 2008, budget hearing minutes as read. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart moved to approve the June 9, 2008, budget hearing minutes as corrected. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart moved to approve the May 28, 2008, Big Sky (Ennis) Airport Improvement Project Bid Opening minutes as read. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart moved to approve the June 3, 2008, minutes as corrected. David Schulz noted that he was not present for that meeting but seconded the motion in Marilyn Ross's absence. All voted aye and the motion carried.

Those people in attendance at the meeting were Charity Fechter, Mark Mehring, Jim Jarvis, Wally Bowery, Marvin Hansen, Tom Henesh, Jessi Fanelli, Kathy Coleman, Mike Cashell, Kevin Everett, Lynn Lowder, Dan Haffey, Roger Thompson, Dave Schenk, Amy Haffey, Blair Martenson, Chris Christensen, Dave Clark, and those on the attached list.

Ruby Rock Subdivision Preliminary Plat: Jim Jarvis, Planner II, presented the Board with the preliminary plat of Ruby Rock Subdivision. Also present for this portion of the meeting were Charity Fechter, Planning Director, Mark Mehring, Wally Bowery, Marvin Hansen, Tom Henesh, and Jessi Fanelli. Jim stated that this proposal is for a major subdivision to create a total of 63 lots; including 61 residential lots ranging from 1 acre to 2.65 acres in size; one commercial lot 10 acres in size; and one park tract 4.66 acres in size. The property is located 1.5 miles north of Sheridan, Montana, and ¼ mile west of Montana Highway 287. The subdivision will be completed over the course of four phases and residential lots will include 55 single-family and 6 multi-family lots. It is the intention of the developer to create lots that would be affordable for first-time and senior home buyers. Jim reviewed comments from agencies and adjacent landowners. Much discussion ensued regarding increased traffic on Tuke Lane, the possibility of a bike/walking trail adjacent to Tuke Lane, dust issues, ground water supply, irrigation ditch easements, fire protection, school bus turn-outs, and park dedication. The Planning Board unanimously recommended approval with conditions and a caveat that Planning Staff discuss road issues on Tuke Lane with Commissioner David Schulz. Jim Hart moved to approve the preliminary plat of Ruby Rock Subdivision in the East half of the Northeast quarter of Section 20 and the North half of the Northwest quarter of Section 21, Township 4 South, Range 5 West, with the Planning Board's recommended conditions, modifying condition fifteen to require a minimum investment of \$13,104 cash in lieu of parkland dedication; and adding condition sixteen to require a note be placed on the face of the plat and a provision added to the subdivision covenants acknowledging the potential for a lot split to accommodate a fire protection facility. David Schulz seconded the motion. All voted aye and the motion carried.

Cowboy Heaven Phase 3C (Area 3) & Phase 3D – Replace SIA and LOC: Charity Fechter, Planning Director, and Jessi Fanelli, Moonlight Basin Ranch, met with the Board to discuss replacing a current Subdivision Improvements Agreement and Letter of Credit with new documents to reflect remaining improvements. Jim Hart moved to release the Subdivision Improvements Agreement for Cowboy Heaven Phase 3A, 3C (Areas 1, 2, and 3) and Phase 3D, filed as Document #120849 with associated Letter of Credit #2007-5, issued by the First

Madison Valley Bank in the amount of \$343,108.31, and approve the new Subdivision Improvements Agreement for Cowboy Heaven Phase 3C (Area 3) and Phase 3D, between Madison County and Moonlight Basin Ranch, and the associated Letter of Credit #2008-6, issued by First Madison Valley Bank in the amount of \$120,829.00. David Schulz seconded the motion. All voted aye and the motion carried.

Ordinance 2-2008: Charity Fechter, Planning Director, met with the Board to discuss a proposed ordinance that would amend the Madison County Subdivision Regulations. David Schulz read the ordinance to those present. Jim Hart moved to approve the first reading of Ordinance No. 2-2008, an ordinance to amend the Madison County Subdivision Regulations, Appendix A, Definitions, and to set a public hearing on July 8, 2008. David Schulz seconded the motion. All voted aye and the motion carried.

Streamside Protection Facilitator: Charity Fechter, Planning Director, met with the Board to discuss her choice for a facilitator for Streamside Protection meetings. Charity stated that facilitator for the next meeting will be Karen Filipovich of Bozeman.

TSEP Coy Brown Bridge Award: Kathy Coleman, Coleman Construction, met with the Board to discuss the bids for the Coy Brown Bridge project. David Schulz stated that he had been in contact with the engineers and that because the low bid for this project was \$26,000 over budget, his recommendation would be to reject all bids. Kathy stated that they had put considerable time and effort into submitting a bid and are willing to work with the County to make the project work. David Schulz stated that the amount over the projected costs have not been budgeted for and additional funds are not available at this time. Jim Hart moved to reject all bids for the TSEP Coy Brown Bridge Project and revisit the project at a later date. David Schulz seconded the motion. All voted aye and the motion carried.

Northwestern Energy Mountain States Intertie: Mike Cashell, Northwestern Energy, and Kevin Everett, Power Engineers, met with the Board to discuss a proposal to build and operate a 500 kv electric transmission line from Townsend, Montana, to the Midpoint Substation near Shoshone, Idaho, by 2013. One of the original routes proposed would have gone through Madison County in the vicinity of Ennis and Virginia City. This route has been ruled out due to public and agency input. A portion of one route being considered crosses the Northwestern portion of Madison County but the preferred route currently follows Interstate 15 fairly closely. The Board offered assistance in giving people the opportunity to learn more about this project.

Public Hearing – Sagebrush Energy Tower Permit Application: Chairman David Schulz opened the public hearing for Sagebrush Energy Tower Permit Application at 1:05 p.m. with Charity Fechter, Planning Director, and those people on the attached list present. Paul Kimball and Ben Ellis, Sagebrush Energy gave an overview of the project which proposes eight (8) towers with a hub height of 80 meters (262 feet), a rotor radius of 45 meters (174 feet), and a maximum height of 125 meters (396 feet) to be built on 600 acres located 1.5 miles south of Norris on the west side of Bradley Creek Road in Section 25, Township 3 South, Range 1 West. Charity Fechter reviewed the Planning Board report and comments from agencies and adjacent landowners. Charity stated that the Planning Board reviewed the proposal but did not make a recommendation. Planning staff recommended approval. After much discussion from members of the public, both for and against the proposal, the Board set the date of July 8, 2008 at 1:00 p.m. to further review the permit application.

DUI Task Force: Lynn Lowder, Dan Haffey, Aimee Haffey, Roger Thompson, Undersheriff, and Dave Schenk, Sheriff, met with the Board to discuss creating a DUI task force in Madison County. Dan Haffey explained that counties are entitled to DUI re-instatement fees but must have a task force in place to receive these funds. A DUI task force also opens up availability to other funding options. Jim Hart moved to encourage the appropriate parties to move forward with creating a DUI task force in Madison County. David Schulz seconded the motion. All voted aye and the motion carried. Lynn Lowder will prepare the paperwork and Dan Haffey will forward a contract to the Board for the creation of this task force.

Southwest Montana Drug Task Force Funding: Blair Martenson, Department of Justice, Chris Christensen, County Attorney, Roger Thompson, Undersheriff, Dave Schenk, Sheriff, and Dave Clark, Deputy, met with the Board to discuss funding for the Southwest Montana Drug Task Force. Blair Martenson outlined the make-up of the task force and stated that the task force has been very successful in the last few years. Because of diminishing federal funding, Blair is asking approximately \$25,000 in funding from each participating agency.

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The County Attorney, Sheriff, and Undersheriff all recommended that Madison County stay involved in this project. Jim Hart moved to offer up to \$25,000 to continue to support the Southwest Montana Drug Task Force for Fiscal Year 2009. David Schulz seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

At 5:00 p.m. the remainder of the meeting was continued to Wednesday, June 11, 2008.

Wednesday, June 11, 2008: Commissioners David Schulz and Jim Hart present.

Courtroom Security Grant: Jim Hart moved to approve the Montana Judicial Branch Safety and Security Funding Terms and Conditions for grant funding from the Office of Court Administrator in the amount of \$2,545 for duress alarms and deadbolt locks and signs for the Madison County Courtroom. David Schulz seconded the motion. All voted aye and the motion carried.

Juvenile Accountability Block Grant: Jim Hart moved to approve the Subgrant Application from the Montana Board of Crime Control for the Juvenile Accountability Management Program, Fifth Judicial District, for a total amount of \$24,499. David Schulz seconded the motion. All voted aye and the motion carried.

DNRC Land Use License: Jim Hart moved to approve Land Use License Number 8586 from the State of Montana, Department of Natural Resources and Conservation to Madison County for the purpose of allowing for test pits, excavation, grading and embankment to facilitate the airport runway reconstruction and extension taking effect upon signature of the license up to and including December 31, 2008, for a one time rental fee of \$500. David Schulz seconded the motion. All voted aye and the motion carried.

Ennis Airport Manager Position: The Board discussed the Ennis Airport Manager Position. Applications were reviewed at the Monday evening Airport Board meeting and will again be discussed at the next Airport Board meeting. The Board will revisit applications for both Ennis and Twin Bridges managers after the next Airport Board meeting.

Dental and Vision Insurance: The Board discussed the proposal from Steve Garcia for an optional dental and vision program. The Board will take this plan under advisement.

Resolution 22-2008: The Board discussed Resolution 22-2008, a resolution amending Resolution 16-2008 which allows offices to charge a handling fee for non-sufficient funds checks. The Board will consult with Shelly Burke, Treasurer, before acting on this resolution.

Great West Task Order #17 – Johnny Ridge Road: Jim Hart moved to approve Task Order No. 17 – Johnny Ridge Road Improvements from the McAtee Bridge continuing west approximately 2000 feet for an amount not to exceed \$1,130. David Schulz seconded the motion. All voted aye and the motion carried.

With no further business this portion of the meeting was adjourned at 5:30 p.m.

David Schulz, Chairman
Board of Madison County Commissioners

Date Approved: June 17, 2008

Minutes prepared by:

Laurie Buyan, Administrative Assistant

Peggy Kaatz, Clerk and Recorder, Madison County